

### **REMARKS**

Upon entry of the instant amendment, claims 1, 3-15, 17 and 18 are pending in the above-identified application and stand ready for further action on the merits.

In this Amendment, claim 1 has been amended. Support for this amendment can be found at page 5, lines 21-22 and 28-30 of the present specification and Figs. 4 and 5.

Further, the instant amendment does not raise substantial new issues for the Examiner's consideration nor require further search on the Examiner's part. At the same time, the instant amendments place the pending claims in condition for allowance and into a more proper format for issuance in a United States patent, by overcoming all outstanding rejections and/or objections of record.

Accordingly, the present amendments to the claims do not introduce new matter into the application as originally filed. As such entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1, 4, 9-14 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 (US 2,971,638) in view of Ehrlund WO '454 (WO 02/38454).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claims 1 and 2, further in view of Studer US '709 (US 4,165,709).

Claims 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claims 1 and 4, further in view of Ruoss US '489 (US 3,199,489).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claim 1, further in view of Wagner US '207 (US 3,143,207).

Claims 8 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claim s 1 and 14, further in view of Frantellizzi US '286 (US 2,694,286).

The rejections are respectfully traversed. In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

*Nonobviousness over the Combination of the Cited Art*

It is alleged in the Office Action that Allison US '638 discloses a blister package, and the products are released from the package by pressing the blisters.

However, Allison US '638 fails to disclose or suggest the claimed blister package, as recited in currently amended in claim 1. The discoid blister package of the claimed invention has products (*e.g.*, medicine pills) contained in the blisters of the plastic blister sheet. Further, the brittle base film (*e.g.*, metal foil) is disposed on the plastic blister sheet so as to enclose the products in the blisters. Allison US '638 merely discloses a circular inner sheet (22) comprising cup-shaped recesses (30) for the products. There is no sealed film base to close the recesses in Allison US '638. Allison US '638 teaches the recesses being closed by the back sheet (21) on which the inner sheet (22) rests and is rotated for release of the pills. A stop (25) is provided on the outlet opening (27) to prevent inadvertent rotation of the inner sheet (22) and unintentional release of pills. As the stop (25) is bent away, the inner sheet can be rotated to bring a recess

(30) and the opening (27) into registry for immediate release of a pill. Since there is no film base supporting the pill contained therein, the recess or blister is not supposed to be pressed so as to release a pill in view of the structure of Allison US '638.

In view of the structure, one of the significant drawbacks of the package of Allison US '638 is that in order to release a pill from the cup-shaped recesses, the inner sheet must be returned to its original position and the stop (25) be bent to lock the inner sheet into place after removal of a pill. Further, the distance of the rotating movement can be different for each release.

On the other hand, the claimed invention allows sequential release of the pills through uniform forward steps of rotation, bringing the blisters into the register with the outlet opening one at a time. The need to press the blister after each step of rotation effectively aids in keeping removal of the pills in control.

Therefore, Allison US '638 fails to disclose or suggest the claimed package. The claimed package is patentably distinguished from the package of Allison US '638 in the structure as explained above.

Next, the secondary reference Ehrlund WO '454 describes a sleeve tab (14), a stop tab (15), an outer casing or sleeve (2) with a slidable insert (3) carrying a blister package (18) for tablets.

However, the blister package (18) employed in Ehrlund WO '454 is rectangular, not a rotatable disc as in the claimed invention. In Ehrlund WO '454, the insert has separate openings (17) for removal of each of the tablets, not a common single opening as in the claimed invention. In order to remove a tablet, a bottom part (22) must first be folded down.

Therefore, Ehrlund WO '454 fails to disclose or suggest the claimed package. The claimed package is patentably distinguished from the package of Ehrlund WO '454 in the structure. In view of the structure of Ehrlund WO '454, it is not obvious for one skilled in the art to modify the rectangular blister package into a rotatable disc shape (as disclosed in Allison US '638). (The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)). Further, if the curler inner sheet (22) of Allison US '638 is modified into the rectangular blister package as disclosed in Ehrlund WO '454, the curler inner sheet (22) of Allison US '638 would become no longer rotatable. (If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Similarly, the other cited references (*i.e.*, Studer US '709, Ruoss US '489, Wagner US '207 and Frantellizzi US '286) also fail to disclose or suggest the claimed features.

Therefore, there is not provided any rationale and/or reasonable expectation of success based on the combination of the cited references, by which one skilled in the art could arrive at the present invention as claimed, since the cited references fail to disclose or suggest each of the instantly claimed features, as explained above. Thus, it is submitted that the present invention is not obvious over the cite art.

### CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims is allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Reg. No. L0053 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: JUN 29 2010

Respectfully submitted,

By 

Gerald M. Murphy, Jr.

Registration No.: 28977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000